

## REMARKS

By the present amendment, claims 1 and 17 have been amended. Support for these amendments is found at page 18, line 20 to page 19, line 1. Claims 1-17 are currently pending in the application.

Claims 1-16 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. The claims have been amended to clarify the features of the present invention. In the claims of the present invention, when the logarithmic value ( $-\text{Log}E$ ) of an exposing amount  $E$  provides the silver concentration 1.5 to an image formed in a photothermographic material, which uses only the reducing agent which forms a dye, thermal development is defined as a "developing activity A". When the logarithmic value of an exposing amount  $E$  provides the silver concentration 1.5 to an image formed in a photothermographic material, which uses only the reducing agent which does not form a dye, thermal development is defined as a "developing activity B". "Developing activity A" is higher than "developing activity B" by 0.02 or more.

Claims 1 and 17 were rejected under 35 U.S.C. 102(b) as anticipated by, or, in the alternative, under 35 U.S.C. 103 as obvious over U.S. Patent No. 4,021,240 to Cerquone et al. This rejection is respectfully traversed. The Cerquone reference neither discloses nor suggests the specific combination of the reducing agents which satisfy the relationship claimed in amended claims 1 and 17 of the present invention. The Examiner states that the property of the present invention is considered to be inherent to the dye taught by USP '240 since there are two types of reducing agents taught therein, one being a reducing agent for silver ions and the other being a color developing agent which forms a dye, and thus the activity with respect to the dye is different. However, Cerquone does

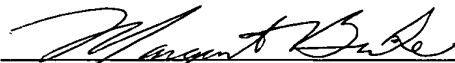
not teach the combination of the reducing agents, one of which does not form a dye and the other which forms a dye and has a developing activity higher than that of the former. Therefore it is respectfully requested that this rejection be withdrawn.

Claims 1-17 were rejected under 35 U.S.C. 103(a) as being unpatentable in view of EP 10096310 (EP '310). This rejection is respectfully traversed. The Examiner states that EP '310 discloses a compound within the scope of the reducing agent represented by each of formulae (R1) and (R2) of the present invention. EP '310 teaches compound (I-6), which is within the scope of the compound represented by formula (R1), and compounds (I-3), (I-13), (I-24), (I-29) and (I-30), which are within the scope of the compound represented by formula (R2). However, it should be emphasized that EP '310 does not suggest any combination of the compounds represented by each of formulae (R1) and (R2). More specifically, with regard to the inventions claimed in claims 3 and 4 of the present application, even if the compound taught in EP '310 which is within the scope of the compound represented by formula (R1) of the present invention, and the compound taught in EP '310 which is within the scope of the compound represented by formula (R2) of the present invention are unintentionally combined, it is still deemed that the remarkable effect of improvement in gradation of silver images obtained by the specific features for the developing activities and amounts could not have been conceived by those skilled in the art based on the disclosure of EP '310. Therefore, the feature of claims 3 and 4 that the amount of the reducing agent which forms a dye and has a higher activity is smaller than that of the reducing agent which does not form a dye (see lines 8 to 10, page 18 of the present specification) and the remarkable effect of improvement in

gradation of silver images obtained by the specific features for the developing activities and amounts is beyond expectations is based the disclosure of EP '310.

In view of the foregoing amendments and remarks, it is respectfully submitted that all of the claims currently pending in the application are in condition for allowance; early and favorable action are respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Margaret A. Burke", is written over a horizontal line.

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